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**CHAPTER 41**  
**CONTINUING LEGAL EDUCATION FOR LAWYERS**

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**Rule 41.3 Continuing legal education requirement.**

**41.3(1)** Each attorney admitted to practice in this state shall complete a minimum of 15 hours of legal education accredited by the commission, during each calendar year. The commission is authorized, pursuant to guidelines established by the supreme court, to determine the number of hours for which credit will be given for particular courses, programs or other legal education activities. Under rules to be promulgated by the supreme court, an attorney may be given credit in one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited education during any one calendar year.

**41.3(2)** The 15 hours required by rule 41.3(1) shall include a minimum of 3 hours, every two calendar years, devoted exclusively to the area of legal ethics. Excess hours of education devoted to legal ethics can be carried over for purposes of the annual 15-hour requirement under rule 41.3(1) but cannot be carried over beyond the two-year period for the special legal ethics requirement under this rule.

**41.3(3)** ~~Commencing July 1, 2002, up~~ Up to 6 hours of the 15 hours required by rule 41.3(1) each calendar year may be obtained through completion of ~~computer-based~~ unmoderated legal education accredited by the commission.

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**CHAPTER 42**  
**REGULATIONS OF THE COMMISSION ON CONTINUING**  
**LEGAL EDUCATION**

**Rule 42.1 Definitions.** For the purpose of these regulations, the following definitions shall apply:

An “*accredited program or activity*” shall mean a continuing legal education activity meeting the standards set forth in rule 42.3 which has received ~~advanced~~ accreditation by the commission pursuant to rule 42.4.

An “*attorney*” shall mean any person licensed to practice law in the state of Iowa.

The “*commission*” shall mean the Commission on Continuing Legal Education or any division thereof.

“*Guidelines*” means a commission document that prescribes requirements for accreditation of continuing legal education programs and is made available to sponsors and lawyers on the commission web page.

1 An "hour" of continuing legal education shall mean a clock-hour spent by an  
2 attorney in actual attendance at or completion of an accredited legal education  
3 activity.

4 "Legal ethics" shall mean a separate, designated, and dedicated session of  
5 instruction:

6 1. Referring to and based on the disciplinary rules or ethical considerations  
7 of the ethics or professional responsibility code for lawyers in the jurisdiction  
8 where the instruction is presented; or

9 2. Designed to help attorneys detect, prevent, or respond to substance-  
10 related disorders or mental illness that impairs professional competence. The  
11 instruction must focus on issues in the legal profession and in the practice of  
12 law, and not issues of substance-related disorders or mental health in general.

13 "Unmoderated activity" means a CLE activity presented by delayed or on-  
14 demand transmission or broadcast, in pre-recorded media such as audiotape,  
15 videotape, CD, podcast, CD-ROM, DVD, self-paced computer-based  
16 instruction, or another format, which has an interactive component and is  
17 approved by the commission based on its guidelines.

18 A "quorum" of the entire commission shall mean six or more members of the  
19 commission.

20 "Moderated activity" means:

21 (1) "Standard (Live)" - A live CLE activity presented in a suitable classroom  
22 setting devoted to the program.

23 (2) "Satellite" - A live CLE activity broadcast by satellite link to a classroom  
24 setting or a central viewing or listening location. The lawyer must be able to  
25 contact the moderator or presenters during the activity to comment and ask  
26 questions.

27 (3) "Video Conference" - A live CLE activity broadcast by cable, wire, or fiber  
28 optic link to a classroom setting or a central viewing or listing location. The  
29 lawyer must be able to contact the moderator or presenters during the activity  
30 to comment and ask questions.

31 (4) "Live Webcast" - A live CLE activity broadcast over the Internet in audio  
32 or audio plus video form to viewers at remote locations or at a central viewing  
33 or listening location. The lawyer must be able to contact the moderator or  
34 presenters during the activity to comment and ask questions.

35 (5) "Live Teleconference" - A live CLE activity broadcast over the telephone in  
36 audio or audio plus video form to listeners at remote locations or at a central  
37 viewing or listening location. The lawyer must be able to contact the moderator  
38 or presenters during the activity to comment and ask questions.

39 (6) "Video Replay" - A recorded CLE activity presented in audio plus video  
40 form in a suitable classroom setting or central viewing location to a broad  
41 lawyer population. The lawyer must be able to contact a live moderator during  
42 the activity to comment or ask questions.

43 (7) "Audio Replay" - A recorded CLE activity presented in audio form in a  
44 suitable classroom setting, central listening location, or by telephone to a broad

1 lawyer population. The lawyer must be able to contact a live moderator during  
2 the activity to comment or ask questions.

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5 **Rule 42.2 Continuing legal education requirement.**

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7 **42.2(1)** A minimum of 15 hours of continuing legal education must be  
8 completed by each attorney for each calendar year in the manner stated in  
9 Iowa Ct. R. 41.3(1). Effective January 15, 1988, each attorney shall, every two  
10 years, complete a minimum of three ~~two~~ hours of legal education devoted  
11 specifically to the area of legal ethics.

12 **42.2(2)** Hours of continuing legal education credit may be obtained by  
13 attending or participating in a continuing legal education activity, either  
14 previously accredited by the commission or which otherwise meets the  
15 requirements herein and is retroactively accredited by the commission  
16 pursuant to rule 42.4(3).

17 **42.2(3)** An attorney desiring to obtain credit for one or more succeeding  
18 calendar years, not exceeding two such years, for completing more than 15  
19 hours of accredited legal education during any one calendar year, under Iowa  
20 Ct. R. 41.3(1), shall report such "carry-over" credit at the time of filing the  
21 annual report to the commission on or before March 1 of the year following the  
22 calendar year during which the claimed additional legal education hours were  
23 completed.

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26 **Rule 42.3 Standards for accreditation.**

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28 **42.3(1)** A continuing legal education activity qualifies for accreditation if the  
29 commission determines that the activity complies with all of the following:

30 a. It constitutes an organized program of learning (including a workshop or  
31 symposium) which contributes directly to the professional competency of an  
32 attorney.

33 b. It pertains to common legal subjects or other subject matters which  
34 integrally relate to the practice of law.

35 c. It is conducted by attorneys or individuals who have a special education,  
36 training, and experience by reason of which said individuals should be  
37 considered experts concerning the subject matter of the program, and  
38 preferably is accompanied by a paper, manual, or written outline which  
39 substantively pertains to the subject matter of the program.

40 ~~d. It is presented live or by computer-based transmission, in the form of~~  
41 ~~moderated programming, or in the form of unmoderated programming~~  
42 ~~approved by the commission in its guidelines. Activities presented by~~  
43 ~~computer-based transmission must be interactive as defined by accreditation~~  
44 ~~policies of the commission.~~

1     **42.3(2)** No activity will be accredited which involves solely self-study,  
2 including television viewing, video or sound recorded programs, or  
3 correspondence work, except as may be allowed pursuant to rule 42.5.  
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6     **Rule 42.4 Accreditation of programs and activities.**  
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8     **42.4(1)** ~~Prior accreditation~~ Accreditation of activities. A program sponsor An  
9 organization or person that desires prior accreditation of a program, course, or  
10 other legal education activity satisfying Iowa Ct. R. 41.2, or a lawyer an  
11 attorney who desires to establish accreditation of a program, course, or other  
12 legal education activity, such activity prior to attendance, shall apply for  
13 accreditation to the commission at least 60 days in advance of the  
14 commencement of the activity or after completion of the activity in the manner  
15 prescribed on a form provided by the commission. The commission shall  
16 approve or deny such application in writing or by electronic mail within 30  
17 days of receipt of such application. The application shall state the dates,  
18 subjects offered, total hours of instruction, names and qualifications of  
19 speakers, and other pertinent information.  
20

21     ~~**42.4(2)** Post accreditation of activities. An attorney or organization on~~  
22 ~~behalf of an attorney seeking credit for attendance at or participation in an~~  
23 ~~educational activity which has not received prior accreditation shall submit to~~  
24 ~~the commission, within 30 days after completion of such activity, a request for~~  
25 ~~credit, including a brief résumé of the activity, its dates, subjects, instructors~~  
26 ~~and their qualifications, and the number of credit hours requested therefor.~~  
27 ~~Within 30 days after receipt of such application, the commission shall advise~~  
28 ~~the attorney or organization in writing by ordinary mail whether the activity is~~  
29 ~~accredited and the number of hours allowed therefor. An attorney or~~  
30 ~~organization not complying with the requirements of this rule may be denied~~  
31 ~~credit for such activity.~~  
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33     **42.4(2) 42.4(3)** Fee for organization applications for accreditation. To support  
34 administration of this chapter, any organization or other activity sponsor  
35 applying for accreditation of an activity shall pay to the commission a  
36 prescribed nonrefundable application fee for each activity. No application fee  
37 shall be required of an attorney who applies for accreditation solely as an  
38 attendee. The commission may waive the application fee for any of the following  
39 reasons:

- 40     a. For any activity offered at no charge to attendees for the educational  
41 portion of the activity.  
42     b. For any presentation of the identical program at additional places or dates  
43 during a calendar year, provided the original presentation of the program was  
44 approved.  
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## **Guidelines for Unmoderated Activities**

An unmoderated activity is defined in Iowa Court Rule 42.1 as an activity presented by delayed or on-demand transmission or broadcast, or in pre-recorded media such as audiotape, videotape, CD, podcast, CD-ROM, DVD, self-paced instruction, and other formats, which has an interactive component and is approved by the commission based on its guidelines. The commission proposes the following guidelines for unmoderated activities.

A practitioner may receive CLE credit for up to 6 hours of unmoderated activities per calendar year, provided:

- The sponsor or an individual lawyer must submit an application for approval of the unmoderated activity. An application for approval may be submitted before or after the activity is conducted.

- The target audience must be lawyers. The course must be presented by a person or persons qualified by practical or academic experience to present the subject. In most instances, legal subjects should be presented by lawyers.

- The activity must provide high quality written instructional materials. These materials must be available to be downloaded or otherwise furnished so that the attendee will have the ability to refer to such materials during, and subsequent to, the seminar.

- The activity must have an interactive component. For example, an activity presented in audio or audio plus video format might allow the listener or viewer to submit questions electronically or in writing, and receive an answer back from the course faculty or other qualified commentator within a reasonable period of time. Activities presented by CD or DVD might include a testing component, or a self-paced format that periodically prompts the user for input and branches the instruction based on the user's demonstrated level of comprehension.

- The sponsor must have procedures in place to independently verify a lawyer's completion of an activity. Verification procedures may vary by format and by provider. A lawyer affidavit attesting to the completion of an activity is not by itself sufficient. Independent provider verification is required. The sponsor must consider the format in which a CLE activity is offered and design an appropriate verification procedure.

For example, verification procedures for a course in recorded video format for individual viewing may consist of a lawyer reporting a course code to the provider after viewing the video, and attesting to completion of the activity in an affidavit. The CLE sponsor would then verify the accuracy of the code before issuing a certificate of attendance. Activities presented in segments should

1 have a separate and distinct code for each segment, and spaces on the  
2 verification form to report all codes.

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4 A second example is the use of pop-up boxes and time tracking by an online  
5 sponsor to independently verify that an attorney has completed an entire  
6 activity.

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8 A third example is the use of examination results or responses to  
9 comprehension queries in self-paced instruction.

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11 Certification of attendance may be issued to the lawyer only after the sponsor  
12 has established that the lawyer completed the activity in its entirety.

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14 ☐ The commission will consider approval of all methods of independent  
15 provider verification when determining accreditation of a CLE course. Sponsors  
16 are not required to report or verify attendance to the commission, but must  
17 retain verification and attendance information for at least two years after the  
18 lawyer's completion of the activity and provide that verification and attendance  
19 information to the commission upon request.

20  
21 ☐ An application for accreditation of an unmoderated activity and the offering  
22 to lawyers must clearly show when the last substantive revision of the activity  
23 content was made. Activities will not be approved for more than one year  
24 beyond the date the course was last revised, unless the commission determines  
25 that the content remains substantively current.

26  
27 ☐ Self-study activities are not eligible for accreditation, per Iowa Court Rule  
28 42.3(2). In general, any pre-recorded content, including television viewing,  
29 video or sound recorded programs, or correspondence work, that does not meet  
30 the verification, interaction, and content requirements set forth in this policy,  
31 will be considered self-study and ineligible for accreditation.